

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TIMOTHY L. BECKWITH,

Plaintiff

v.

FEDERAL BUREAU OF PRISONS,
JOHN MITCHELL, L. ENNIS,

Defendants

Civil No. 3:16-cv-1330

(Judge Mariani)

ORDER

AND NOW, this 15th day of August, 2017, upon consideration of Defendants' motion (Doc. 14) to dismiss or, in the alternative, for summary judgment, and for the reasons set forth in the Court's Memorandum of the same date, **IT IS HEREBY ORDERED** **THAT:**

1. The unopposed motion (Doc. 14) for summary judgment is **GRANTED** as follows:
 - a. The Federal Bureau of Prisons is **DISMISSED** as a party to the *Bivens* claim.
 - b. Defendants' motion for summary judgment is **GRANTED** as to Plaintiff's *Bivens* claim for failure to exhaust available administrative remedies. Judgment shall be **ENTERED** in favor of Defendants John Mitchell and L. Ennis as to the *Bivens* claim, and against Plaintiff Timothy Beckwith.
2. The unopposed motion (Doc. 14) to dismiss is **GRANTED** as follows:
 - a. Defendants Federal Bureau of Prisons, John Mitchell, and L. Ennis are **DISMISSED** as parties to the FTCA claim. The United States is

substituted as the sole Defendant in Plaintiff's FTCA claim.

- b. The FTCA claim against the United States is **DISMISSED**.
- 3. The Clerk of Court is directed to **CLOSE** this action.
- 4. Any appeal from this Order is **DEEMED** frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

A handwritten signature in black ink, appearing to read "Robert D. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge